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EXAMINER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: PETER SCHLAAK, MICHAEL KRENBAUER,
MARTIN PREISS AND EDGAR WICHT

Application No. 10/611,319
Date Mailed: July 9, 2008

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 28, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

APPEAL BRIEF

Claims Appendix

Appellant filed an Appeal Brief dated June 22, 2007 in response to a Final Rejection mailed January 19, 2007. A review of the file reveals that claim 19 in the appendix of the Appeal Brief is not consistent as amended in the Amendment filed on October 24, 2006. The Appeal Brief of claim 19 (page 18) reads: "The machine-readable medium of claim 10..." However, the Amendment dated October 24, 2006 claim 19 (page 4) reads: "The machine-readable medium of claim 11...." Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed June 22, 2007 defective, as required by 37 CFR § 41.37(d);
- 2) notify the Appellant to submit a “paper” which corrects the Appeal Brief’s Claims Appendix under 37 CFR § 41.37(c)(1)(viii);
- 3) acknowledge and consider any “paper” submitted by Appellant to correct the Appeal Brief; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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